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 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware corporation, DENDRON GmbH, a German corporation, and ev3 INC., a Delaware corporation,

Defendants,

MICRO THERAPEUTICS, INC., a Delaware corporation, and DENDRON GmbH, a German corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, a Delaware corporation, and TARGET THERAPEUTICS, INC., a Delaware corporation,

Third Party Defendants

Case No. C 03 05669 JW (RS)

**STIPULATION AND [PROPOSED] ORDER  
 RE DEFENDANTS' MOTION TO COMPEL  
 IMMEDIATE PRODUCTION OF  
 PLAINTIFF'S PATENTABILITY SEARCH  
 AND CASE MANAGEMENT  
 CONFERENCE**

Judge: Honorable James Ware  
 Place: Courtroom 8, 4th Floor

1 Plaintiff and Counterdefendant The Regents of the University of California  
 2 (“The Regents”) and Defendants and Counterclaimants Micro Therapeutics, Inc., Dendron  
 3 GmbH, and ev3 Inc. (collectively “Defendants” or “MTI”) hereby stipulate as follows.

4 1. On October 15, 2007, MTI filed a Motion to Compel Immediate Production of  
 5 Plaintiff’s Patentability Search and Related Documents Pursuant to Court’s October 12, 2007  
 6 Order (Dkt. No. 947) (“Motion to Compel Immediate Production”), and supporting documents.  
 7 Therein, MTI requested that the Court order immediate production of certain documents pursuant  
 8 to Judge Seeborg’s October 12, 2007 Order granting MTI’s motion to compel (Dkt. No. 946) in  
 9 light of the date of trial, originally set to begin on October 16, 2007, at 10:00 a.m. (*See* Dkt. No.  
 10 947, at 2:18-27.)

11 2. On October 16, 2007, the Court granted the parties’ request for, and ordered,  
 12 continuance of the trial date in this case. (Premo Decl.<sup>1</sup> ¶ 4.)

13 3. The parties therefore stipulate that any briefing, hearing or decision on MTI’s  
 14 Motion to Compel Immediate Production (Dkt. No. 947) is stayed until further order of the Court.  
 15 (Premo Decl. ¶ 6.)

16 4. The parties further stipulate that enforcement of Judge Seeborg’s October 12, 2007  
 17 Order granting MTI’s motion to compel (Dkt. No. 946) is stayed until further order of the Court.  
 18 (Premo Decl. ¶ 7.)

19 5. A Case Management Conference before the Court was originally set for November  
 20 20, 2007, but the parties would like to reset the Case Management Conference for Tuesday,  
 21 December 4, 2007, at 10:00 a.m. (Premo Decl. ¶¶ 4-5.)

22 **IT IS SO STIPULATED.**

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 28 <sup>1</sup> “Premo Decl.” refers to the Declaration of Patrick E. Premo in Support of Stipulation and  
 [Proposed] Order Re Defendants’ Motion to Compel Immediate Production of Plaintiff’s  
 Patentability Search and Case Management Conference, filed herewith.

**ATTESTATION**

Concurrence in the filing of this document has been obtained from the other signatories.

Dated: October 16, 2007

By: /s/Patrick E. Premo

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Charlene M. Morrow (SBN 136411)

Patrick E. Premo (SBN 184915)

FENWICK & WEST LLP

Attorneys for Plaintiff/Counterdefendant

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Dated: October 16, 2007

By: /s/David E. Jones

John S. Skilton (*pro hac vice*)

David E. Jones (*pro hac vice*)

Michelle M. Umberger (*pro hac vice*)

HELLER EHRMAN LLP

Attorneys for Defendants/Counterclaimants

MICRO THERAPEUTICS, INC. and DENDRON GMBH


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MOUNTAIN VIEW

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The Further Case Management Conference is continued from November 20, 2007 to **December 3, 2007 at 10 AM.**

Dated: October 18, 2007

  
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JAMES WARE  
United States District Judge

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